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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 ERIC MINCHAK,

12 Petitioner,

13 v.

14 PATRICK COVELLO, Warden,

15 Respondent.  
16

No. 2:20-cv-00063 GGH P

ORDER

17 Petitioner, a state prisoner proceeding through counsel, filed a petition for writ of habeas  
18 corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. On January 8, 2020, petitioner filed a motion  
19 to stay and abey his federal habeas petition pursuant to Rhines v. Weber, 544 U.S. 269 (1995), in  
20 order to exhaust state court remedies on his ineffective assistance of counsel claim. ECF No. 2.  
21 The court will direct respondent to respond to the pending motion to stay. Petitioner has filed a  
22 habeas petition in the California Supreme Court setting forth the unexhausted claim. See ECF No.  
23 2. If petitioner exhausts his claims in the California Supreme Court prior to this court's resolution  
24 of the pending motion, petitioner is advised to file a notice of exhaustion in this court.

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. Respondent is hereby directed to file an opposition or a notice of non-opposition to  
27 petitioner's stay and abeyance motion within 30 days from the date of this order;  
28 2. Petitioner's reply, if any, is due fourteen days thereafter; and

3. If petitioner exhausts any claims in the California Supreme Court prior to this court's resolution of the pending motion, petitioner shall file a notice of exhaustion in this court.

4. The Clerk of the Court is directed to serve a copy of this order on Tami Krenzin,  
Supervising Attorney General.

Dated: January 22, 2020

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE